

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14887 of Dr. Adam Ostrzenski, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Sub-section 350.4) to establish a medical office on the first floor in an R-5-D District at premises 1002 - 22nd Street, N.W., (Square 53, Lot 22).

HEARING DATE: November 30, 1988
DECISION DATE: December 7, 1988

DISPOSITION: The Board DENIED the application by a vote of 3-0 (William F. McIntosh, Carrie L. Thornhill and Paula L. Jewell to deny; Lloyd Smith and Charles R. Norris not voting, not having the case).

FINAL DATE OF ORDER: July 28, 1989

ORDER

The Board denied the application by its Order, dated July 28, 1989. By letter dated August 4, 1989, the applicant's representative filed a timely motion for reconsideration of the Board's decision. The motion generally restates the arguments presented in support of the application at the public hearing and argues that the use of the premises as a medical clinic, which is permitted as a matter-of-right in the R-5-D District, would have a greater adverse impact on the existing residential development in the area than the proposed use. The motion further alleges that Finding of Fact No. 7 of the Board's Order is in error as to the hours of operation of the proposed use. There were no responses to the motion for reconsideration.

Upon consideration of the motion, the evidence of record, and its final order, the Board concludes that it has committed no error in deciding the application. The motion merely seeks to reargue the case presented at the public hearing. The argument raised regarding the impacts of a matter-of-right use on the neighborhood is not an issue before the Board. The Board's role in this application was restricted to determining whether the applicant had met the burden of proof necessary to justify the granting of a use variance. The hours of operation set forth in Finding of Fact No. 7 were those cited by the applicant's representative at the public hearing. The Board concluded that the burden of proof was not met based on the evidence of record.

Accordingly it is ORDERED that the motion for reconsideration is hereby DENIED.

DECISION DATE: September 6, 1989

VOTE: 3-0 (William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to deny; Lloyd Smith and Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: SEP 22 1989

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14887order/BHS10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT




APPLICATION No. 14887

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated SEP 22 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Lloyd E. Baskin, Sr.
3755 - 1st Street, S.E.
Washington, D.C. 20032

Dr. Adam Ostrzenski
1002 - 22nd Street, N.W.
Washington, D.C. 20037


EDWARD L. CURRY
Executive Director

DATE: SEP 22 1989